

## CRIMINAL PROCEDURE

Western State University College of Law  
Professor Stacey Sobel  
Spring Semester 2012

### COURSE INFORMATION

Section 110 A: Meeting times – Monday and Wednesday, 1:00-2:30  
Section 110 B: Meeting times – Monday and Wednesday, 10:45-12:15  
Online Course Materials: TWEN, sign up by August 31  
Office: 714-459-1186  
Email: ssobel@wsulaw.edu

### Office Hours

Section A: Wednesdays, 2:45-4:00  
Section B: Mondays, 2:45-4:00

If you are unable to meet during the designated office hours, please email me to schedule an appointment. I may schedule additional office hours at particular times during the semester. You will be notified in class and/or via TWEN of when those hours will occur. Meetings during office hours should be scheduled in the book maintained by Cindy Sickinger. Meetings should be scheduled at least 24 hours in advance. If they are made less than 24 hours in advance, I may make alternative plans and might not be available to meet. If you would like me to review any materials you have prepared, the material must be emailed to me at least one work day in advance. If you are unable to schedule an appointment during regular office hours, please email me to schedule a meeting. If you need to cancel a meeting or if you will be late, please contact Cindy Sickinger.

### COURSE READING

#### Required Text

Saltzburg and Capra, American Criminal Procedure: Investigative, 9<sup>th</sup> ed. 2010 (West Publishing Co. – Soft Cover).

#### Recommended Text

Dressler and Michaels, Understanding Criminal Procedure: Volume One – Investigation, 5<sup>th</sup> edition, 2006 (Lexis Nexis).

**Reading and Class Participation** – Students are expected to complete the assigned reading prior to class. All students are expected to engage in class discussion. Participation is key to making this class enjoyable, so I expect everyone to be prepared to intelligently discuss and critically evaluate that day's assignment in class. In particular, be prepared to discuss the pertinent facts, issues, law and court findings and rulings of each case. I use a combination of cold-calling and volunteers for class discussion. For volunteer participation, I value quality over quantity, but being an active participant is important. All views are welcomed. A consistent lack of preparation may result in a grade reduction of up to .3 (e.g., from 3.3 to 3.0) on a student's course grade. Exemplary performance may result in a grade increase of .1 (e.g., from 3.0 to a 3.1) on a student's course grade.

**Attendance** – The WSU policy on required attendance at all classes will be followed: attendance under 85% of scheduled classes during a semester will result in a failing grade absent extenuating circumstances. Students who are late may be considered absent at the discretion of the professor. Students who know that they will be late or absent should email me prior to class if possible.

**Examinations and Grading** – The course grade is based on one mid-term and a final exam. The mid-term is an essay exam and comprises 20% of your grade. The mid-term covers the assigned readings from the beginning of the semester until the mid-term. The final examination counts as 80% of your grade and covers all materials for the semester. The final exam will be comprised of multiple-choice and essay questions. There may be occasional on-line quizzes for pass-fail credit. Failure to complete or pass a quiz may result in a grade reduction of up to .3.

**Ethics** – Ethics are an important part of the practice of law. All students should be familiar with WSU's Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters addressed in the Honor Code will be vigorously enforced.

## COURSE READING

Jan. 18	Incorporation and Retroactivity: 7-24; Fourth Amendment Intro.: 30-34
Jan. 23	Reasonable Expectations and <i>Katz</i> : 34-64
Jan. 25	Applying <i>Katz</i> : 64-84; Warrant Clause: 84-90; Probable Cause – Two-Prong Test: 90-97
Jan. 30	Probable Cause – Totality of Circumstances Test: 97-113; Probable Cause – Fair Probability: 113-128
Feb. 1	Warrant Requirement – Specificity and Reasonableness: 129-137; 139-149; Executing the Warrant: 150-164
Feb. 6	Executing the Warrant: 166-169; Exceptions – Plain View and Touch: 335-342; Warrantless Arrests: 169-175; 178-193
Feb. 8	Search Incident to Arrest: 288-324
Feb. 13	Pretextual Arrests and Searches: 324-331; 333-335; Exigent Circumstances: 361-380
Feb. 15	Stop and Frisk: 193-201, 204-209, 212-216, 217-226, 228-230
Feb. 20	Stop and Frisk: 232-247, 253-254, 261-266, 268-269, 276-277, 280-281, 284-287
Feb. 22	Special Needs Searches 396-401, 423-428; Road Blocks and Suspicionless Searches: 429-438; Inventory Searches: 442-446
Feb. 27	Automobiles and Moveable Containers 342-348; 349-357; Consent Searches 462-478
Feb. 29	Review
Mar. 5	Mid-term
Mar. 7	Exclusionary Rule 494-510; Good Faith Exception 511-521
Mar. 12	No Class
Mar. 14	No Class
Mar. 19	Exclusionary Rule – Good Faith Exceptions 522-541; Personal Right 542-548
Mar. 21	Personal Right: 548-558; Causation and Attenuation 558-572
Mar. 26	Independent Source, Inevitable Discovery 572-595
Mar. 28	Self-Incrimination and Confessions: 596-597, 601-604, 608-612, 619-628
Apr. 2	Self-Incrimination and Confessions: 642-652, Due Process Cases: 652-670
Apr. 4	Fifth Amendment Limitations: 670-696
Apr. 9	Fifth Amendment Limitations: 700-721; Custody: 722-729
Apr. 11	Interrogation: 729-743; Waiver: 743-754
Apr. 16	Invocation: 754-767; Confessions and Right to Counsel: 767-784
Apr. 18	Identifications: 796-825
Apr. 23	Right to Counsel 831-856
Apr. 25	Catch-Up
Apr. 30	Review

Final Examination Date to be Determined